IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Crl.M.No.52234-M of 2006
Date of Decision: 18.01.2007.

Sumitra Devi and another

..... Petitioner.

Versus

State of Haryana.

.....Respondent.

CORAM: HON'BLE MR.JUSTICE SATISH KUMAR MITTAL.

Present:- Mr.Raman Walia,Advocate for the petitioners.
Mr.Partap Singh,Sr.DAG Haryana.
Mr.Sandeep Suri,Advocate for the complainant.

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Petitioners Sumitra Devi and Sukhbir Singh apprehending their arrest in a non-bailable offence in case FIR No.417 dated 5.7.2006 under Sections 406/420/120-B IPC, registered at PS Civil Lines, Rohtak, have filed this petition under Section 438 Cr.P.C. For the grant of anticipatory bail.

I have heard counsel for the parties and have gone through the contents of the FIR as well as the order and other documents annexed with the petition.

Learned counsel for the petitioners contends that the aforesaid FIR has been registered on the complaint made by the officials of the HDFC Bank on the ground that the petitioner no.1 had not paid the instalments of loan taken by her and she sold the said vehicle. It is alleged that for the repayment of the loan obtained by petitioner no.1, petitioner no.2 (husband) stood guarantor. Counsel contends that when the instalment was not paid by the petitioner within time, the vehicle was taken into custody by the recovery agent of the complainant bank. In this regard the counsel for the

petitioners relied upon a document i.e. inventory of the items in the vehicle which was issued to him by the persons who had taken possession of the vehicle on behalf of the bank and contends that the said vehicle is in custody of the bank. The counsel contends that the allegations contained in the FIR are totally false.

Learned counsel for the petitioner contends that in terms of the interim order 31.8.2006, the petitioners have joined the investigation. The State counsel does not dispute this fact. Counsel for the complainant opposed the prayer of the petitioners and submitted an affidavit of an official of the bank to the effect that the vehicle of the petitioners was not taken into possession by the agent of the bank.

Since the petitioners have already joined investigation, without commenting on the merits, the interim bail granted vide order dated 31.8.2006, is made absolute subject to the same terms and conditions.

Disposed of accordingly.

18.1.2007. **(SATISH KUMAR MITTAL)**
rpj **JUDGE**